

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 026-11 530 W. COTA STREET MODIFICATION JULY 13, 2011

## APPLICATION OF MARK MORANDO, APPLICANT FOR TERRI TREVILLIAN, 530 W. COTA ST., APN 037-102-024, R-3 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS PER ACRE (MST2011-00124)

Proposal for a new 4'-8" high, four-foot wide section of retaining wall adjacent to the sidewalk on the San Pascual St. property frontage and a new five-foot high wood fence along a portion of the northern property line.

The discretionary land use applications required for this project are:

- 1. A Modification to allow a new wall to exceed 3.5 feet in height within ten feet of the front lot line (SBMC Sections 28.87.170 & 28.92.110);
- 2. A Modification to allow a new fence and existing wall to exceed eight feet in cumulative height within an interior setback (SBMC Sections 28.87.170 & 28.92.110); and
- 3. A <u>Modification</u> to allow a new fence and existing wall to exceed eight feet in cumulative height within an interior setback (SBMC Sections 28.87.170 & 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 15301 (Existing Facilities) and 15305 (Minor Alterations in Land Use Limitations).

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, No one appeared to speak either in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

- 1. Staff Report with Attachments, July 6, 2011.
- 2. Site Plans
- 3. Correspondence received in opposition to the project:
  - a. Paula Westbury, Santa Barbara, CA.

## NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

I. Approved the subject application making the finding that the requested Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure appropriate improvements on the lot. The requested improvements are appropriate because they abate existing hazardous conditions resulting from steep topography and development onsite and immediately adjacent to the subject property, and the Modifications are necessary because the existing site topography necessitates the overheight retaining wall and the fence on the property lines.

STAFF HEARING OFFICER RESOLUTION No. 026–11 530 W. COTA STREET JULY 13, 2011 PAGE 2

This motion was passed and adopted on the 13<sup>th</sup> day of July, 2011 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

Kathleen Goo, Staff Hearing Officer Secretary

Date

7/14/11

## PLEASE BE ADVISED:

- 1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
- 2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
- 3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
- 4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Architectual Board of Review (ABR) approval and then a building permit.
- 5. PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit. The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
- 6. Notice of Approval Time Limits: The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
  - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
  - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
    - i. an Issuance of a Certificate of Occupancy for the use, or;
    - ii. one (1) year from granting the approval.